

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

November 10, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawai'i

Consent to Assign General Lease No. SP-0107 Ardel Deppe, Assignor, to Denise Carswell, Assignee, Lot 40, Kōke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-004:005

APPLICANT:

Ardel Deppe, Assignor, to Denise Carswell, Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 40, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-004:005, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

1.11 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _ NO X

CHARACTER OF USE:

Recreation - residence.

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2029.
There is one rental reopening scheduled after ten years.

ITEM E-3

ANNUAL RENTAL:

\$5,000.00.

CONSIDERATION:

None pursuant to The Assignment of State General Lease No. SP0107.

RECOMMENDED PREMIUM:

\$0.00.

DCCA VERIFICATION:

Not applicable because all persons involved are individuals and are not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/Assignee shall prepare and submit fully an executed assignment of lease and meet other requirements as described herein.

REMARKS:

General Lease SP0107 was entered in to on January 6, 2009 between the Board and lessee Ardel Deppe ("Deppe") through direct negotiation in accordance with Act 223 SLH 2008. On September 26, 2011, DLNR Division of State Parks ("State Parks") received a letter on behalf of Ms. Denise Carswell ("Carswell") seeking the Board's approval of an assignment of the lease. Attached to the letter was an executed assignment agreement between Deppe and Carswell. For disclosure purposes, Ms. Carswell is the daughter of Donn Carswell, a lessee under General Lease SP0103, also in Kōke'e State Park.

Files indicate surety bonds signed by Ardel Deppe on December 26, 2008 as principal and Suzanne Deppe and Lillian L. Ching separately as sureties. Files further indicate Ms. Suzanne Deppe is the spouse of Ardel Deppe. The surety bonds are not secured or in a format and character consistent with DLNR practices and Section 28 of the lease. In addition, they refer to an expired lease.

There is no evidence of fire insurance as required per the lease and no written waiver was granted by the Chairperson.

State Parks staff does not object to the assignment provided both the surety bond is delivered to DLNR in acceptable form and the fire insurance is obtained before the consent to the assignment has been signed by the Chairperson.

Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

No comments have been received from any agency or the community.

RECOMMENDATION:

That the Board consent to the Assignment of General Lease No. SP0107 from Ardel Deppe, Assignor to Denise Carswell, Assignee, subject to the following:

1. The Assignee delivering proof of fire and extended coverage insurance as required under the lease prior to the completion of the consent agreement;
2. The Assignee delivering, in acceptable form and character to the Chairperson, a surety bond as required in the lease prior to the completion of the consent agreement;
3. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
5. The review and approval by the Department of the Attorney General; and,

Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson

Attachment

Exhibit A – Legal Description and Map



KAUAI
FILE
C.S.P. No. FILE
FOLDER 3

STATE OF HAWAII
SURVEY DIVISION
DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU

November 2, 1966

KOOKE CAMP SITE LOTS

LOT 40

Waimea (Kona), Kauai, Hawaii

Being a portion of Kokee Park
(Governor's Executive Order 1509)

Beginning at a pipe at the east corner of this lot, the northeast corner of Lot 39 and the south corner of Lots 42 and 44 of Kokee Camp Site Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOOKE" being 2203.93 feet North and 1793.92 feet East, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

1. 96° 01' 30" 425.95 feet along Lot 39 of Kokee Camp Site Lots to a pipe;
2. 235° 58' 30" 352.13 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
3. 331° 24' 30" 275.30 feet along Lots 42 and 44 of Kokee Camp Site Lots to the point of beginning and containing an AREA OF 1.11 ACRES.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Akira Taga
Akira Taga
Land Surveyor

Compiled from maps by
Henry Sumida and Associates,
Inc. and Govt. Survey Records.

EXHIBIT "A"

